

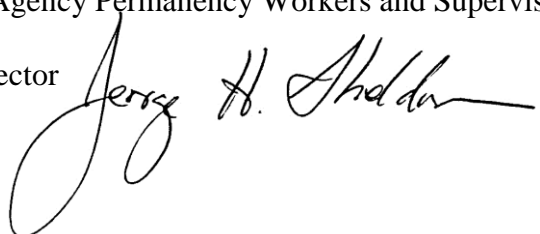
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Policy Guide 2016.13

Legislative Update for Permanency and Adoption Staff

DATE: November 23, 2016

TO: All DCFS and Private Agency Permanency Workers and Supervisors

FROM: George H. Sheldon Director 

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to inform DCFS and POS staff of several amendments in Illinois law affecting child welfare practice made by **Public Act 99-0345**. In the coming weeks, the Department will propose rulemaking as described below to reflect these statutory changes.

II. PRIMARY USERS

The primary users of this Policy Guide are DCFS and POS permanency workers, DCFS Adoption Unit staff and supervisors.

III. SUMMARY OF LEGISLATIVE CHANGES AND PROPOSED RULEMAKING

Public Act 99-0345 became effective January 1, 2016, and amends sections of the **Adoption Act** [750 ILCS 50] affecting the Illinois Adoption Registry and Medical Information Exchange and Intercountry Adoptions.

Rule 333, Intercountry Adoptions, will be repealed in its entirety

Rule 309 shall be amended as follows:

Section 309.20 Definitions

“Adoption dissolution” means a circumstance where the child is removed from an adoptive placement after the adoption is finalized.

“Birth grandparent,” for the purposes of the Adoption Registry, means the biological parent of: (i) a non-surrendered person who is a deceased birth mother; or (ii) a non-surrendered person who is a deceased birth father (750 ILCS 50/18.06).



"Birth relative," for the purposes of the Adoption Registry, means a birth mother, birth father, birth grandparent, birth sibling, birth aunt, or birth uncle (750 ILCS 50/18.06).

"Department "means the Illinois Department of Children and Family Services.

"Placement disruption" means a circumstance where the child is removed from an adoptive placement before the adoption is finalized.

"Post –placement and post –adoption support services " means support services for placed or adoptive children and families that include, but are not limited to, counseling for emotional, behavioral or developmental needs.

"Registrant" or "Registered Party" for the purposes of the Adoption Registry, means a birth parent, birth grandparent, birth sibling, birth aunt, birth uncle, adopted or surrendered person 21 years of age or over, adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or adoptive parent, surviving spouse, or adult child of a deceased adopted or surrendered person who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry (750 ILCS 50/18.06).

"Secondary placement" means a placement, including but not limited to the placement of a ward of the Department that occurs after placement disruption or adoption dissolution. Secondary placement does not mean secondary placement arising due to the death of the adoptive parent of the child (750 ILCS 50/18.06).

"Unregulated placement" means the secondary placement of a child that occurs without the oversight of the courts, the Department, or a licensed child welfare agency (750 ILCS 50/18.06).

Section 309.105 Who May Adopt a Child

- a) *Any of the following persons, who is under no legal disability (except the minority specified in subsection (a)(2)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceedings:*
 - 1) *A reputable person of legal age and of either sex, provided that if such person is married, or a party to a civil union, and has not been living separate and apart from his or her spouse, or civil union partner, for 12 months or longer, his or her spouse or civil union partner shall be a party to the adoption proceeding, including a spouse or civil union partner ~~husband and wife~~ desiring to adopt a child of the other spouse or a civil union*

partner, ~~desiring to adopt a child of the other partner~~ in all of which cases the adoption shall be by both spouses or civil union partners jointly;

2) A minor, by leave of court upon good cause shown notwithstanding sub-paragraph (a) of this subsection a spouse or civil union partner is not required to join in a petition for adoption to re-adopt a child after an intercountry adoption if the spouse or civil union partner did not previously adopt the child as set forth in subsection (c) and (e) of section 4.1 of the Adoption Act

b) The residence requirement specified in subsection (a) of this Section shall not apply to an adoption of a related child or child previously adopted in a foreign country by the petitioner to an adoption of a child placed by an agency. [750 ILCS 50/2] “

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following Rules 309, Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible.

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